

Appl. No. 09/852,322
Docket No.: H1799-00071
Reply to Office Action of July 7, 2005

Amendments to the Drawings:

The attached sheet of drawings includes changes to Figs. 1, 2, and 3. These sheets replace the original sheets including Figs. 1-3. In Figures 1-3, the line quality of figures have been corrected. No new matter is presented as a result of the corrections to the Figures.

Attachment: Replacement Sheets

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REMARKS/ARGUMENTS

A PETITION FOR EXTENSION OF TIME has been filed, concurrently with this Amendment, extending the time for response to the Official Action one (1) month, from October 7, 2005, to November 7, 2005.

As a result of this Amendment, claims 8 -22 are under active consideration in the subject patent application.

In the Official Action, the Examiner has:

(1) reopened prosecution on the merits of this application and vacated the Notice of Allowance mailed on December 1, 2003;

(2) objected to the drawings for various informalities and required proposed corrections;

(3) rejected claims 8-22 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to point out and distinctly claim the subject matter;

(4) rejected claims 8-22 under 35 U.S.C. § 112, second paragraph, as allegedly being incomplete for omitting essential elements;

(5) rejected claims 8 and 13 under 35 U.S.C. § 102(b) as allegedly being anticipated in view of German Patent No. DE 1,284,506, issued to Tajbl et al.;

(6) rejected claims 8 and 9 under 35 U.S.C. § 102(b) as allegedly being anticipated in view of U.S. Patent No. 4,793,405, issued to Diggleman et al.; and

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(7) rejected claim 14 under the judicially created doctrine of double patenting over claim 7 of U.S. Patent No. 6,302,192, and stated that a timely filed terminal disclaimer in compliance with 37 C.F.R. 1.321(c), may be used to overcome this rejection.

With regard to Item 1, no comment appears to be necessary.

With regard to Item 2, attached to this Amendment are proposed corrected Figures 1-3, with corrected line quality as required by the Examiner. No new matter is introduced into the Application as a result of these changes to Figures 1-3. Reconsideration of the Examiner's objection to the drawings and introduction of the Replacement Drawings into the application are requested. Reconsideration and withdrawal of the Examiner's objections to the drawings are requested.

With regard to Item 3, Applicants have amended claims 13 and 19 so as to clarify the inadvertent indefiniteness identified by the Examiner; specifically, those elements which are bonded together. Claims 13 and 19 are now correctly stated. Applicants have also amended claims 17 and 18 so as to clarify the inadvertent grammatical error identified by the Examiner in claim 18. Claims 17 and 18 are now correctly stated. Based on the foregoing amendments, reconsideration and withdrawal of the Examiner's objections are requested.

With regard to Item 4, and more specifically Examiner's objection that claims 8, 14, 17, and 19 - 22, as stated, are incomplete for omitting essential elements, Applicants have cancelled claim 8, thus rendering the informalities in

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that claim identified by the Examiner moot. With respect to claims 14, 17, and 19 – 22, Applicants have amended these claims to more distinctly identify the necessary elements for isolating the opening from the vapor chamber.

Additionally, Applicants direct the Examiner's attention to the entirety of the specification, wherein the necessary elements and possible methods for sealing the vapor chamber from the opening are adequately disclosed. Examples can be found at page 4, lines 12 – 22; page 5, lines 2 – 8; page 6, lines 22 – 24; page 9, lines 6 – 11, page 10, lines 2 – 9; and Figures 1 – 3. In view of the foregoing, Applicants respectfully submits that claims 14, 17, and 19 - 22, as presently stated, are in condition for allowance. Favorable consideration is therefore requested.

With regard to Items 5 - 7, Applicants categorically disagree with the Examiner's allegation that claims 8 and 13 are anticipated by German Patent No. DE 1 284 506, issued to Tajbl et al., and that claims 8 and 9 are anticipated by U.S. Patent No. 4,793,405, issued to Diggelmann et al. However, in an effort to expedite the prosecution of this application, Applicants have canceled claim 8 thus rendering the informalities identified by the Examiner moot. Applicant's actions in this case are not intended to be an admission of any kind with regard to German Patent No. DE 1 284 506, issued to Tajbl et al., and U.S. Patent No. 4,793,405, issued to Diggelmann et al., or their bearing upon the patentability of the subject matter presented in this application.

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Claims 9 -13 have been amended to be dependent from independent claim 14. The Examiner has taken the position that claim 14 presents subject matter that is an obvious variation of the invention claimed in U.S. Patent No. 6,302,192. In other words, the Examiner admits that the subject matter of claim 14 is an obvious variation of the invention defined in claim 7 of U.S. Patent No. 6,302,192, and thus emanating from a common conception of the invention.

A Terminal Disclaimer To Obviate A Double Patenting Rejection Over A Prior Patent is attached to this response and is believed to be in compliance with 37 C.F.R. § 1.321(c). The Terminal Disclaimer has been signed by an Attorney of Record in the case. **The Commissioner is hereby authorized to charge the fee under 37 C.F.R. § 1.20(d), namely \$130.00, required in connection with the Terminal Disclaimer, to Deposit Account No. 04-1679.** Applicants respectfully submit that the foregoing Terminal Disclaimer overcomes the Examiner's Double Patenting rejection. Reconsideration and withdrawal of the Double Patenting rejection of claim 14 is requested.

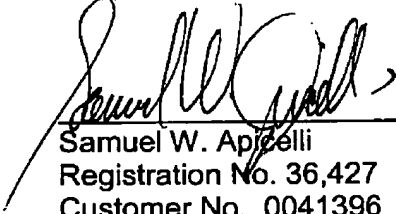
Dependent claims 9-13 have been amended to be dependent directly from now allowable claim 14, and are allowable at least through dependency. Also, Applicants have amended claim 13 so as to more distinctly define and particularly point out the subject matter regarded by Applicants as their invention. Claims 17- 22 have been cancelled without prejudice to his right to pursue the subject matter presented by those claims in related applications.

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If a telephone conference would be of assistance in advancing prosecution of the above-identified application, Applicants' undersigned Attorney invites the Examiner to telephone him at 215-979-1255.

Dated: 11/4/05

Respectfully submitted,



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